

PROB 12C
(7/93)

Report Date: August 8, 2011

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 09 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Brian Joaquin Perez

Case Number: 2:07CR02067-001

Address of Offender: [REDACTED] Yakima, WA 98902

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 3/4/2008

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 40 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: TBD

Date Supervision Commenced: 5/25/2011

Defense Attorney: TBD

Date Supervision Expires: 5/24/2014

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

1

Mandatory Condition: The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence:** On June 29, 2011, Mr. Perez was arrested and charged with count 1: possession of cocaine with the intent to deliver; and count 2: possession of methamphetamine with the intent to deliver, in Yakima County Superior Court, Yakima, Washington, under cause number 11-1-00912-8.

The narrative filed with the court indicates Mr. Perez was arrested by the Washington State Patrol on June 30, 2011. The report indicates an officer observed a driver in a vehicle make a turn without using his turn signal. The trooper completed a traffic stop and approached the passenger side of the vehicle. The officer observed the passenger had a 12-pack of Budweiser between his legs. The trooper advised the driver why he stopped the vehicle, and asked him if he had a driver's license. The male responded in the negative. The driver appeared to be very nervous and was asked to exit the car. While the male was standing by the vehicle, the officer observed him shaking, and as he reached for his Washington identification card, the male's hands were shaking and his voice trembled as he spoke. The driver denied being nervous. The card identified the male as Brian Joaquin Perez, date of

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birth, October 23, 1986, which showed that his driving status was suspended in the third degree.

The officer then asked Mr. Perez to identify the person in the passenger seat but Mr. Perez did not know his name even though he told the officer he used to babysit the gentleman. Mr. Perez told the trooper that he had been previously arrested and was currently on supervision. The passenger was identified as Nicolas Zaragoza, age 19. The officer completed a search of the vehicle, with Mr. Perez' permission. The trooper located a large "shotgun" looking storage device. The officer opened the item and immediately observed several bags of white powder. The officer placed both males into custody. Both occupants refused to speak about the incident, claiming they did not know about the cocaine in the vehicle and blamed each other for it.

Mr. Perez is schedule for trial on August 22, 2011.

- 2 **Mandatory Condition:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: Mr. Perez was arrested by the Washington State Patrol on June 30, 2011, and was charged with possession of cocaine and methamphetamine. He was also found to be driving on a suspended license and was in possession of drug paraphernalia (conduct not charged to date).

- 3 **Special Condition #16:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

Supporting Evidence: Mr. Perez missed an intensive outpatient program group session on June 30, 2011, due to his arrest on the current charges.

- 4 **Mandatory Condition # 9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associated with any person convicted of a felony, unless granted permission to do so by the probation officer.

Supporting Evidence: Mr. Perez was arrested by the Washington State Patrol on June 30, 2011, and was charged with possession of cocaine, driving without a license, and possession of drug paraphernalia. In the vehicle with Mr. Perez was Nicolas Zaragoza, who has multiple felony convictions, and Mr. Perez did not request permission from the U.S. probation officer to associate with this person.

- 5 **Mandatory Condition:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Perez was charged on July 12, 2011, with custodial assault, in cause number 11-1-01005-3. Information from the Yakima County Jail incident report indicates an officer was transporting Mr. Perez and another inmate, when the officer

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observed Mr. Perez throw a punch at another inmate. Mr. Perez struck the other inmate in the upper torso. The officer directed the inmates to stop, but Mr. Perez was observed pursuing the other inmate, throwing punches at the other inmate, while the other inmate was backing away. A corrections officer stepped between the two inmates. Mr. Perez attempted to push past the officer and then punched the officer in the lower back on the right side. Mr. Perez was subdued, with the assistance of responding officers.

Mr. Perez is set to go to trial on September 12, 2011.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

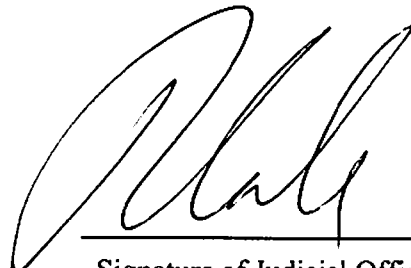
Executed on: 08/08/2011

s/Stephen Krous

Stephen Krous
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

8/9/11

Date